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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:)	Chapter 11
)	
SIZMEK INC., <i>et al.</i> , ¹)	Case No. 19-10971 (SMB)
)	
Debtors.)	(Jointly Administered)

**AGENDA FOR HEARING TO BE HELD
JANUARY 7, 2020 AT 10:00 A.M. (PREVAILING EASTERN TIME)**

Time and Date of Hearing: January 7, 2020 at 10:00 a.m. (ET)

Location of Hearing: U.S. Bankruptcy Court
Courtroom 723
One Bowling Green
New York, NY 10004

Copies of Motions and Applications: Copies of each pleading identified below can be viewed and/or obtained (i) from the Debtors' proposed claims and noticing agent, Stretto, at <https://cases.stretto.com/sizmek> or (ii) by accessing the Court's website at www.nysb.uscourts.gov.

A. Uncontested Matters.

- 1. Cash Collateral Motion.** Debtors' Motion for the Entry of Interim and Final Orders (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363; and (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 14].

¹ Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, include: Sizmek Inc. (4624); Point Roll, Inc. (3173); Sizmek DSP, Inc. (2319); Sizmek Technologies, Inc. (6402); Wireless Artist LLC (0302); WirelessDeveloper, Inc. (9686); X Plus One Solutions, Inc. (8106); X Plus Two Solutions, LLC (4914); and Solomon Acquisition Corp. (4229). The location of Debtors' service address for purposes of these chapter 11 cases is: Realization Services, Inc. Att.: Melanie Browne, P.O. Box 189, Bedford Hills, NY 10507.

Objection Deadline: December 30, 2019 at 4:00 p.m. (ET).

Responses Received:

- a. Limited Objection of the Official Committee of Unsecured Creditors to Debtors' Motion for the Entry of Interim and Final Orders (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363; and (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 193].
- b. Informal comments to the proposed form of Final Order from Amazon.com, Inc.

Related Documents:

- a. Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 13].
- b. Supplemental Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 54].
- c. Interim Order (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, and (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001 [Docket No. 37].
- d. Second Interim Order (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 104].
- e. Notice of Hearing [Docket No. 107].
- f. Certificate of No Objection Regarding Debtors' Motion for the Entry of Interim and Final Orders (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363; and (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 167].
- g. Third Interim Order (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 172].
- h. Notice of Filing of Proposed Final Cash Collateral Order [Docket No. 200].
- i. Fourth Interim Order (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 239].
- j. Fifth Interim Order (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 270].

- k. Certificate of No Objection Regarding Debtors' Motion for the Entry of Interim and Final Orders (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363; and (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 319].
- l. Sixth Interim Order (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 329].
- m. Seventh Interim Order (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 383].
- n. Eighth Interim Order (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 388].
- o. Notice of Hearing on Debtors' Motion for the Entry of Interim and Final Orders (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363; and (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 392].
- p. Ninth Interim Order (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 403].
- q. Tenth Interim Order (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 449].
- r. Eleventh Interim Order (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 467].
- s. Twelfth Interim Order (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 483].
- t. Thirteenth Interim Order (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 508].
- u. Fourteenth Interim Order (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection Pursuant to 11 U.S.C.

§§ 361, 362, 363, and 507, and (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 521].

- v. Fifteenth Interim Order (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 545].
- w. Notice of Hearing on Debtors' Motion for the Entry of Interim and Final Orders (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363; and (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(B) [Docket No. 545].
- x. Sixteenth Interim Order (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 562].

Status: The final hearing on this matter is going forward.

B. Adjourned Matters.

1. **ASK Retention Application.** Debtors' Application for Entry of an Order Authorizing the Retention and Employment of ASK LLP as Special Counsel to Pursue Preference Actions, Effective *Nunc Pro Tunc* to November 4, 2019 [Docket No. 530].

Objection Deadline: December 10, 2019 at 4:00 p.m. (ET).

Responses Received:

- a. Debtors received informal comments from, and are in on-going discussions with, the Office of the United States Trustee.

Related Documents:

- a. Amended Notice of Hearing on Debtors' Application for Entry of an Order Authorizing the Retention and Employment of ASK LLP as Special Counsel to Pursue Preference Actions, Effective *Nunc Pro Tunc* to November 4, 2019 [Docket No. 547].
- b. Notice of Adjournment [Docket No. 575].

Status: Debtors received informal comments from, and are in on-going discussions with, the Office of the United States Trustee with respect to revisions to the form of order. Debtors are continuing to work with the Office of the United States Trustee and have decided to adjourn this matter until the hearing scheduled for February 6, 2020 at 10:00 a.m.

C. Withdrawn Matters

1. **P39 Tech Motion to Enforce APA.** Movant P39 Tech LLC Notice of Motion to Enforce the Asset Purchase Agreement and for Further Relief [Docket No. 532].

Objection Deadline: December 30, 2019 at 4:00 p.m. (ET).

Responses Received:

- a. None.

Related Documents:

- a. Memorandum of Law in Support of P39 Tech LLC's Motion to Enforce the Asset Purchase Agreement and for Further Relief [Docket No. 533].
- b. Emergency Affidavit [Docket No. 534].
- c. Notice of Hearing on Motion to Enforce Asset Purchase Agreement [Docket No. 551].
- d. Notice of Hearing on Motion to Enforce Asset Purchase Agreement [Docket No. 552].
- e. Withdrawal of Motion [Docket No. 570].

Status: This motion has been withdrawn.

Dated: January 3, 2020
New York, NY

/s/ Steven J. Reisman

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